

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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KENTUCKY

In the Matter of:

PETITION OF DOE VALLEY UTILITIES,)	
INC. FOR DETERMINATION AS TO)	CASE NO. 2003-00360
JURISDICTIONAL STATUS OF DOE)	
VALLEY UTILITIES, INC. AND)	
ADDITIONAL OR ALTERNATIVE)	
DETERMINATIONS)	

PETITIONER'S RESPONSE TO
COMMISSION STAFF'S FIRST DATA REQUEST
TO DOE VALLEY UTILITIES, INC.

Pursuant to 807 KAR 5:001, Doe Valley Utilities, Inc. ("DVU"), files its Response to the Commission Staff's First Data Request, as set forth below, with the original and eight copies filed with the Commission:

1. Provide correct copies of the articles of incorporation of Doe Valley Utilities, Inc. and Doe Valley Association, Inc.

RESPONSE: The requested copies of the articles of incorporation are attached and provided herewith.

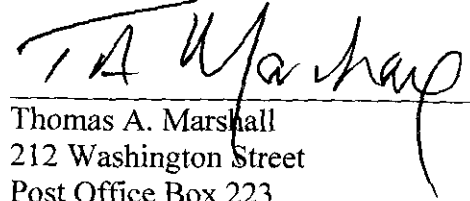
2. If the Commission were to find that Doe Valley is not jurisdictional to the Commission, would the utility be corporation be dissolved?

RESPONSE: Doe Valley is unable to give a definitive answer to the question at this time. It is expected that if the Commission made dissolution of the utility corporation a condition of ruling the petitioner to be non-jurisdictional, Doe Valley would fully consider such an action.

3. Under what theory does Doe Valley contend that the Commission could require the non-association customers to seek or take service from Meade County Water District?

RESPONSE: This response is intended to be a summary statement, which may be amended and enlarged during consideration of Doe Valley's Petition. First, as set forth in the Petition, the Commission has already approved the extension of Meade County Water District's services to the areas in which the six non-association members reside or do business. Implicit in that approval from the PSC is the finding that Meade County is to supply members of the public who reside in the vicinity to which it has extended service and who do not have an alternative to a public water supplier. Second, the Commission can and should recognize that Doe Valley should not be characterized as a public utility. It would be unfair to continue to characterize Doe Valley as a public utility, when it has few if any characteristics of a publicly created and financed provider like Meade County. Doe Valley is willing to continue service to the six customers, but not at the price of being designated as a public utility. To do so would mean that it has the obligations but not the benefits of such a designation. If Doe Valley's purpose is to serve the residents of Doe Valley, why not allow it to transfer its non-member customers to the available public utility under terms meant to ensure that there is no undue hardship. Over the years, the circumstances have changed. The Commission would not be violating any legal or statutory principles if it were to authorize transfer of customers, recognize that the customers in question can under certain circumstances become members of the limited Doe Valley community or declare that Doe Valley can continue to serve a few non-member customers without being declared a public utility.

Submitted by:



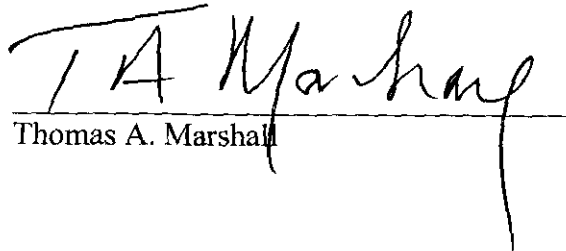
Thomas A. Marshall
212 Washington Street
Post Office Box 223
Frankfort, Kentucky 40602

Phillip J. Shepherd
307 West Main Street
P.O. Box 782
Frankfort, Kentucky 40602

Counsel, Doe Valley Utilities, Inc

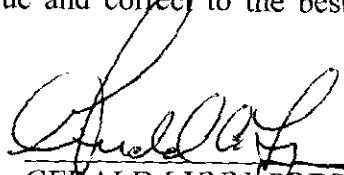
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Holland N. McTyeire, V Greenbaum Doll & McDonald PLLC, 3500 National City Tower, 101 South Fifth Street, Louisville, KY 40202-3197 by mailing a copy on the 22th day of December, 2003.

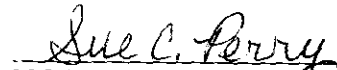

Thomas A. Marshall

AFFIDAVIT

I have reviewed the foregoing responses to data requests on behalf of Doe Valley Utilities, Inc., and certify that they are true and correct to the best of my knowledge, information and belief.


GERALD LYNN, PRESIDENT
DOE VALLEY UTILITIES, INC.

Subscribed and sworn to or affirmed before me, a notary public, this 27th day of December, 2003.


NOTARY PUBLIC, STATE-AT-LARGE

My Commission expires: 8-9-07

ARTICLES OF INCORPORATION
OF
DOE VALLEY ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS:

We, the undersigned, RICHARD B. TENHET, KENNETH A. HELMLY, and ROBERT L. SLOSS, do hereby associate ourselves for the purpose of forming a non-stock, non-profit Corporation pursuant to Chapter 273 of the Kentucky Revised Statutes, and we hereby declare our Articles of Incorporation.

ARTICLE I: NAME

The name of the Corporation is "Doe Valley Association, Inc."

ARTICLE II: DURATION

The duration of the Corporation shall be perpetual.

ARTICLE III: PURPOSE AND POWERS

The objects of this association shall be to protect and promote the best interests of the property owners of property within said Doe Valley Subdivision and Doe Valley Park Estates, Section 1 and their respective families and guests; to promote and strive for improvement and betterment of all facilities and

services within the area of said subdivision to promote and encourage a better community and civic spirit and to foster goodwill and friendship between and among all the residents and property owners of said subdivision and their respective families and guests, to co-operate with state, county, town and government officials and other civic and public organizations for the general welfare of the entire community surrounding said subdivision.

(b) This Corporation shall have and be entitled to exercise all of the powers conferred upon non-profit corporations by Chapter 273 of the Kentucky Revised Statutes as fully as if those powers were specifically set forth in these Articles;

ARTICLE IV: REGISTERED OFFICE

The registered office of the Corporation shall be Doe Valley Park, Brandenburg, Kentucky.

ARTICLE V: REGISTERED AGENT

The registered agent of the Corporation shall be Robert L. Sloss, 300 Marion E. Taylor Building, Louisville, Kentucky 40202 and Kenneth A. Helmly, Doe Valley Park, Brandenburg, Kentucky.

ARTICLE VI: DIRECTORS

(a) The Corporation shall be governed by a Board of Directors. The number, qualifications, terms, manner of voting, and manner of election shall be prescribed in, and may be changed by amendment to, the By-Laws.

(b) The following individuals shall comprise the initial Board of Directors of the Corporation, to serve until such time as they are removed or replaced from office in accordance with the provisions of the By-Laws:

Richard B. Tenhet
Doe Valley Park
Brandenburg, Kentucky

Kenneth A. Helmly
Doe Valley Park
Brandenburg, Kentucky

Robert L. Sloss
300 Marion E. Taylor Building
Louisville, Kentucky 40202

ARTICLE VII: INCORPORATORS

The names and addresses of the incorporators are as follows:

Richard B. Tenhet
Doe Valley Park
Brandenburg, Kentucky

Kenneth A. Helmly
Doe Valley Park
Brandenburg, Kentucky

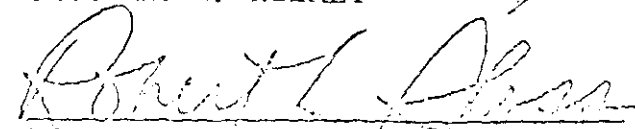
Robert L. Sloss
300 Marion E. Taylor Building
Louisville, Kentucky 40202

IN TESTIMONY WHEREOF witness the hand of the incorporators this 17th day of April, 1970.

This Instrument Was Prepared By
JAMES H. WILLIAMS, JR.
WYATT, GRANTON & SLOSS
300 MARION E. TAYLOR BLDG.
LOUISVILLE, KY 40202


RICHARD B. TENHET


KENNETH A. HELMLY


ROBERT L. SLOSS

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ARTICLE VII

INCORPORATOR

The Incorporator is Robert L. Sloss, whose address is 300 Marion E. Taylor Building, Louisville, Jefferson County, Kentucky 40202.

ARTICLE VIII

DIRECTORS

The initial Board of Directors shall be composed of three (3) directors and the name and address of the persons who are to serve as directors until the first annual meeting of the shareholders or until their successors are elected and qualify, are as follows:

Marvin W. Spencer
Brandenburg, Kentucky

William R. Moore
1415 Madruga Avenue
Coral Gables, Florida 33146

James E. Zinchak, Esquire
Apartment 1014
155 Ocean Lane Drive
Key Biscayne, Florida 33149

ARTICLE IX

of Directors of the Corporation.

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SIGNED, SWORN TO AND ACKNOWLEDGED by the Incorporator

at Louisville, Kentucky, this 26th day of March, 1974.

THIS INSTRUMENT WAS PREPARED BY
ROBERT L. SLOSS
WYATT, GRAFTON & SLOSS
300 MARION E. TAYLOR BLDG.
LOUISVILLE 2, KENTUCKY

INCORPORATOR,

Robert L. Sloss
ROBERT L. SLOSS

STATE OF KENTUCKY)
COUNTY OF JEFFERSON) ss

The foregoing instrument was signed, sworn to and
acknowledged before me this 26th day of March, 1974,
by ROBERT L. SLOSS, as Incorporator of DOE VALLEY UTILITIES, INC.,
on behalf of the Corporation.

My Commission expires: Sept. 1, 1976.

Luth M. Bowser
NOTARY PUBLIC, State at
Large, Kentucky

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FILED
SECRETARY OF STATE OF KENTUCKY
FRANKFORT, KENTUCKY

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ER J.C.C.
27 D.C.

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ARTICLES OF INCORPORATION

OF

DOE VALLEY UTILITIES, INC.

The undersigned Incorporator has executed these Articles of Incorporation for the purpose of forming and does hereby form a corporation under the laws of the Commonwealth of Kentucky in accordance with the following provisions:

ARTICLE I

NAME

The name of the Corporation is DOE VALLEY UTILITIES, INC.

ARTICLE II

DURATION

The Corporation is to have a perpetual existence.

ARTICLE III

PURPOSES

The purposes of the Corporation shall be:

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filter vents, water purification plants, mains, other pipes and pumping stations and to operate all such facilities; to acquire licenses, concessions and permits therefor; and to execute and do all other works and things necessary or convenient for storing, selling, delivering, measuring and distributing water.

(2) To purchase, lease, or otherwise acquire, or build, construct, erect, own, improve, maintain, operate, control, supervise and manage such facilities and systems as may be necessary to sell, lease, or otherwise dispose of water for the purpose of supplying municipalities, corporations and individuals water for public, business, domestic or any other use.

(3) To purchase, lease, or otherwise acquire, construct, own, improve, maintain, operate, control and manage sewage disposal systems for the purpose of serving municipalities, corporations and individuals.

(4) To acquire, hold, use, lease, sell or convey property, both real and personal, tangible and intangible.

(5) To buy, sell, hold and otherwise deal in bonds, mortgages, notes, stock, contracts, securities and other evidences of indebtedness.

(6) To issue negotiable paper and other evidences of indebtedness, both secured or unsecured, and to mortgage or pledge its holdings, real and personal, as security; to negotiate loans for others, to lend the Corporation's credit and to guarantee, endorse and underwrite the obligations and contracts of other parties.

(7) To engage in all undertakings related to the foregoing particular purposes and any other enterprises as may be authorized by the Board of Directors and by the laws of the

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ARTICLE IV

POWERS OF CORPORATION

The Corporation shall have all the powers conferred upon a corporation organized under the provisions of Chapter 271A of the Kentucky Revised Statutes, and shall have all powers necessary, proper, convenient or desirable in order to fulfill and further the purposes of the Corporation.

ARTICLE V

REGISTERED OFFICE AND REGISTERED AGENT

The registered office of the Corporation in the Commonwealth of Kentucky is 300 Marion E. Taylor Building, Louisville, Jefferson County, Kentucky 40202. The registered agent is Robert L. Sloss, whose address is 300 Marion E. Taylor Building, Louisville, Jefferson County, Kentucky 40202.

ARTICLE VI

CAPITOL STOCK

The total number of shares which may be issued by the Corporation is Two Thousand (2,000) shares of common stock having no par value. Every shareholder is entitled to one vote per share and may vote the same as provided by law. The shareholders of the Corporation shall be entitled to